



TOWN OF HINGHAM

Board of Appeals

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Town Clerk
Hingham, MA

NOTICE OF DECISION SPECIAL PERMIT

IN THE MATTER OF:

Applicant/
Owner: John and Grace Kennedy
23 Beach Road
Hingham, MA 02043

Property: 23 Beach Road, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 47528, Page 342

Plan References: "Proposed Pier, Gangway & Float – 23 Beach Road, Hingham MA, Map 15, Lot 7," prepared by Atlantic Coast Engineering, LLC, 88 Front Street, Suite 22, Scituate, MA 02066, dated August 5, 2023 (revised – 1 Sheet), and further revised November 1, 2023 and January 3, 2024 (2 Sheets);

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of John and Grace Kennedy (collectively the "Applicant") for a Special Permit A1 under Section III-C, 4 of the Zoning By-Law (the "By-Law"), and such other relief as necessary, to construct a residential pier, gangway, and float at 23 Beach Road in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on March 12, 2024 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2023 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Paul K. Healey, Acting as Chair, Jed Ruccio and Associate Member, Lauren Galvin. The Applicants were represented by Civil Engineer, Joseph E. Hannon, of Atlantic Coast Engineering. At the conclusion of the review, the Board voted unanimously to grant the requested Special Permit with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION

The subject property consists of approximately 5,074 SF of land located in the Residence A District and has frontage on Beach Road, while the rear of the property sits directly on the Weymouth Back River and Hewitt's Cove. The applicants proposed to construct a 136' residential pier, with a gangway and 10' x 20' removable float system

The Beach Road location has the needed access for such a project. Four other neighbors, including the direct abutter at 19 Beach Road, also have Residential Piers.

The Applicants have also obtained an Order of Conditions for the project in 2023 that is recorded at the Plymouth County Registry of Deeds. They are currently in the process of filing for a Chapter 91 License.

FINDINGS

Based on the information submitted and presented during the hearing, and the deliberations and discussions of the Board during the hearing, the Board may wish to make the following findings in accordance with the Special Permit Approval Criteria under Section I-H, 2 and Section III-C, 4:

- 1. The proposed use will be in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:** The proposed use complies with the purposes and standards of the By-Law as set forth in Sections I-A and Section I-B of the By-Law.
- 2. The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:** "Duck walks and boat landings" are an allowed use under the Floodplain Protection Overlay District within Residential Districts under Section III-C, 4.a and "Docks, piers, duck walks, and boat landings" which are similar to a dock or pier, and it will be expressly permitted uses under Section III-C, 6.b of the proposed zoning amendment if adopted.
- 3. The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:** There are several similar piers/docks in this surrounding area. In addition, the property has direct access to the ocean, making it an appropriate location for recreational water use and recreational boating.
- 4. The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:** The project has received an Order of Conditions (OOC) from the Conservation Commission which includes a condition that the applicant plant marsh grass to mitigate impacts from the proposed project.

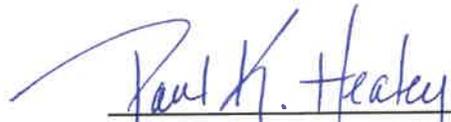
5. **There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:** The project is located at the rear of the property and is for recreational water use. It will not impact vehicles or pedestrians as the project is not located near any roads, highways, vehicles or pedestrians.
6. **Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:** The proposed pier, gangway and float are designed in accordance with the Massachusetts building code, Department of Environmental Protection regulations, and Hingham Conservation Commission rules and regulations which require the appropriate facilities for proper operation of the pier, gangway and float.
7. **The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction:** Based on the testimony of the applicant's Engineer, the proposed project will meet all design standards as required for this kind of structure and project.

DECISION

Upon a motion made by Jed Ruccio and seconded by Lauren Galvin, the Board voted unanimously to GRANT the application of John and Grace Kennedy for a Special Permit A1 under § III-C, 4 of the By-Law, and any other relief as necessary, to construct a residential pier, gangway and removable float system in Residence District A, subject to the following conditions:

1. The Applicants shall construct the project in a manner consistent with the approved plans and the representations made at the hearings before the Board.
2. No davits shall be placed on the dock or float.
3. No lights shall be installed on the dock other than lights with amber lenses for safety while walking on the dock.
4. No ornamentation (flags, lights, windsocks etc.) shall be erected or placed on the dock.
5. No rafting of vessels shall be permitted.
6. Per the plans submitted, the rail height shall not exceed 42".
7. No vessels shall be tied or moored at the pier except directly to the float.

For the Board of Appeals,



Paul K. Healey, Acting Chair
March 26, 2024

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.